

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 91

AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 31-9-2-23.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 23.8. "Contact preference form" means the form prescribed by the state registrar under IC 31-19-25-4.6.**

SECTION 2. IC 31-9-2-89, AS AMENDED BY P.L.206-2015, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 89. (a) "Person", for purposes of IC 31-19-19, ~~IC 31-19-22~~, IC 31-19-25, and the juvenile law, means:

- (1) a human being;
- (2) a corporation;
- (3) a limited liability company;
- (4) a partnership;
- (5) an unincorporated association; or
- (6) a governmental entity.

(b) "Person", for purposes of section 44.5 of this chapter, means an adult or a minor.

(c) "Person", for purposes of IC 31-27, means an individual who is at least twenty-one (21) years of age, a corporation, a partnership, a voluntary association, or other entity.

(d) "Person", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in



IC 31-21-2-13.

(e) "Person", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.

SECTION 3. IC 31-9-2-97.4, AS ADDED BY P.L.191-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 97.4. "Professional health care provider", for purposes of ~~IC 31-19-22~~ and IC 31-19-25, has the meaning set forth in IC 34-6-2-117.

SECTION 4. IC 31-9-2-107, AS AMENDED BY P.L.104-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 107. (a) "Relative", for purposes of IC 31-19-18 ~~IC 31-19-22~~, and IC 31-19-25, means:

- (1) an adoptive or whole blood related parent;
- (2) a sibling; or
- (3) a child.

(b) "Relative", for purposes of IC 31-34-3, means:

- (1) a maternal or paternal grandparent;
- (2) an adult aunt or uncle;
- (3) a parent of a child's sibling if the parent has legal custody of the sibling; or
- (4) any other adult relative suggested by either parent of a child.

(c) "Relative", for purposes of IC 31-27, IC 31-28-5.8, IC 31-34-4, IC 31-34-19, and IC 31-37, means any of the following in relation to a child:

- (1) A parent.
- (2) A grandparent.
- (3) A brother.
- (4) A sister.
- (5) A stepparent.
- (6) A stepgrandparent.
- (7) A stepbrother.
- (8) A stepsister.
- (9) A first cousin.
- (10) An uncle.
- (11) An aunt.
- (12) Any other individual with whom a child has an established and significant relationship.

SECTION 5. IC 31-19-9-6, AS AMENDED BY P.L.191-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. The individual who or agency that arranges for the signing of a consent to adoption shall provide each birth parent whose consent to adoption is obtained under this chapter with the



following:

- (1) An explanation concerning the following:
 - (A) The availability of adoption history information under IC 31-19-17 through IC 31-19-25.5.
 - (B) The birth parent's option to file a **nonrelease contact preference** form with the state registrar if the birth parent seeks to restrict the release of identifying information.
 - (C) That identifying information may be released unless the birth parent files the **nonrelease contact preference** form with the state registrar **indicating the birth parent's lack of consent to the release of identifying information.**
- (2) A **nonrelease contact preference** form prescribed by the state registrar under ~~IC 31-19-25-4.~~ **IC 31-19-25-4.6.**

SECTION 6. IC 31-19-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. Upon request, the state registrar shall provide an individual or agency with a **nonrelease contact preference** form required by section 6(2) of this chapter.

SECTION 7. IC 31-19-20-4, AS AMENDED BY P.L.191-2011, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. IC 31-19-19, this chapter, and ~~IC 31-19-21~~ **IC 31-19-23** through IC 31-19-25.5 do not restrict a provider (as defined in IC 16-18-2-295) from releasing medical records to an attorney or agency arranging an adoption if the provider receives the appropriate authorization under IC 16-39-1.

SECTION 8. IC 31-19-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) ~~A person who has transmitted identifying or nonidentifying information under IC 31-19-18-2~~ **An:**

- (1) adoptee who is at least twenty-one (21) years of age; or**
- (2) adoptive parent of an adoptee who is less than twenty-one (21) years of age;**

may consent to the release of identifying information concerning the **person adoptee** in a signed writing.

(b) The consent described in subsection (a) must identify the persons to whom the information may be released.

SECTION 9. IC 31-19-21-3, AS AMENDED BY P.L.191-2011, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. A holder of information that receives a consent made under this chapter (or IC 31-3-4-27 before its repeal) may release identifying and nonidentifying information only in conformity with:

- (1) the last version of the consent filed with the holder; and
- (2) ~~IC 31-19-22 and~~ IC 31-19-24 through IC 31-19-25.5.



SECTION 10. IC 31-19-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. The state registrar may contact ~~a person~~ **an adoptee or adoptive parent** who submits a written consent under this chapter that is:

- (1) incompletely; or
- (2) inaccurately;

executed to inform the ~~person~~ **adoptee or adoptive parent** regarding the error in the execution of the consent form.

SECTION 11. IC 31-19-21-6, AS AMENDED BY P.L.191-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. The following persons shall provide for the storage and indexing of consents made under this chapter to carry out ~~IC 31-19-22 and~~ IC 31-19-24 through IC 31-19-25.5:

- (1) The state registrar.
- (2) The department.
- (3) County offices of family and children.
- (4) Licensed child placing agencies.
- (5) Professional health care providers (as defined in IC 34-6-2-117).
- (6) Courts.

SECTION 12. IC 31-19-22 IS REPEALED [EFFECTIVE JULY 1, 2018]. (Release of Identifying Information).

SECTION 13. IC 31-19-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. **Before July 1, 2018**, this chapter applies to **all** adoptions that are filed after December 31, 1993. **Beginning July 1, 2018, this chapter applies to all adoptions, regardless of the date the adoption was filed.**

SECTION 14. IC 31-19-25-3, AS AMENDED BY P.L.128-2012, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A birth parent may restrict access to identifying information concerning the birth parent by filing a ~~written nonrelease~~ **contact preference** form with the state registrar that evidences the birth parent's lack of consent to the release of identifying information under this chapter.

(b) A person who arranges for the signing of a consent to adoption shall provide the birth parent with a ~~nonrelease~~ **contact preference** form and the explanation described in IC 31-19-9-6.

(c) Except as provided in sections 15 and 17 of this chapter, the following persons may not release any identifying information concerning a birth parent to an individual requesting the release of identifying information under section 2 of this chapter if a ~~nonrelease~~ **contact preference** form **that evidences the birth parent's lack of**



consent to the release of identifying information is in effect at the time of the request for identifying information:

- (1) The state registrar.
- (2) The department.
- (3) A local office.
- (4) A licensed child placing agency.
- (5) A professional health care provider.
- (6) The attorney who arranged the adoption.
- (7) A court.

(d) Except as provided in subsection (f), the **nonrelease contact preference** form filed under this section

- (1) remains in effect during the period indicated by the individual submitting the form;
- (2) is renewable; and
- (3) may be withdrawn at any time by the individual who submitted the form.

until the birth parent who filed the contact preference form files a new contact preference form.

(e) The **nonrelease contact preference** form is no longer in effect if the birth parent consents in writing to the release of identifying information and has not withdrawn that consent.

(f) A **nonrelease contact preference** form is no longer in effect if the birth parent who filed the **nonrelease contact preference** form is deceased unless the **nonrelease contact preference** form specifically states that the **nonrelease contact preference** form remains in effect after the birth parent's death.

SECTION 15. IC 31-19-25-3.5, AS AMENDED BY P.L.128-2012, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.5. The following persons shall send a copy of a **written nonrelease contact preference** form received by the person from a birth parent to the state registrar:

- (1) The department.
- (2) A local office.
- (3) A licensed child placing agency.
- (4) A professional health care provider.
- (5) An attorney.
- (6) A court.

SECTION 16. IC 31-19-25-4 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 4: The state registrar shall prescribe the nonrelease form described in section 3 of this chapter. In prescribing the nonrelease form, the state registrar shall devise the form in a manner that indicates that the birth parent's lack of consent to the release of identifying



information is to remain in effect for the time indicated by the birth parent. The form must:

- (1) contain a space in which the birth parent may check "yes" or "no" concerning whether the individual submitting the form desires the state registrar to send notice to the birth parent's most recent address at the time that the form lapses in cases in which the birth parent has not chosen to prevent the nonrelease form from lapsing; and
- (2) indicate that the birth parent may choose to prevent the nonrelease form from lapsing.

SECTION 17. IC 31-19-25-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 4.4. (a) Notwithstanding any other law, a nonrelease form that:**

- (1) indicates the birth parent's lack of consent to the release of identifying information; and**
- (2) was submitted by a birth parent before July 1, 2018;**

remains in effect for the time indicated by the birth parent on the nonrelease form.

(b) Unless a birth parent has indicated on the nonrelease form that the birth parent does not desire the state registrar to send notice to the birth parent at the time that the birth parent's nonrelease form lapses, the state registrar shall mail a notice to a birth parent who submitted a nonrelease form as described in subsection (a) at least ninety (90) days before the birth parent's nonrelease form lapses indicating that:

- (1) the nonrelease form will lapse; and**
- (2) if the birth parent prefers not to be contacted by a person requesting identifying information, the birth parent must file a contact preference form indicating that the birth parent does not want to be contacted.**

(c) A nonrelease form is no longer in effect if the birth parent consents in writing to the release of identifying information and has not withdrawn that consent.

(d) A nonrelease form is no longer in effect if the birth parent who filed the nonrelease form is deceased unless the nonrelease form specifically states that the nonrelease form remains in effect after the birth parent's death.

SECTION 18. IC 31-19-25-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 4.6. (a) The state registrar shall prescribe a contact preference form for birth parents. The form**



must include the following:

(1) A component in which a birth parent is to indicate one (1) of the following with regard to a person that requests identifying information:

(A) That the birth parent welcomes the person to contact the birth parent directly and authorizes the release of identifying information.

(B) That the birth parent prefers that the birth parent be contacted through an intermediary and does not authorize the release of identifying information directly to the person.

(C) That the birth parent prefers that the person not contact the birth parent directly or through an intermediary and does not authorize the release of identifying information.

(D) That the birth parent:

(i) prefers that the person not contact the birth parent as provided under clause (C); but

(ii) welcomes the state registrar to contact the birth parent to request that the birth parent update the birth parent's medical information.

(2) A component in which a birth parent who prefers to be contacted through an intermediary as provided under subdivision (1)(B) may designate a third party to act as the intermediary for the birth parent.

(3) Provisions necessary for the state registrar to be able to identify the adoption file of the adoptee to whom the form pertains.

(4) A notice that the birth parent may change the birth parent's indicated preference regarding contact by filing a new contact preference form with the state registrar.

(5) A notice that an adoptee who does not know which court entered the adoption decree regarding the adoptee may seek assistance from the state registrar.

(b) The state registrar may accept a completed contact preference form from a birth parent only if the birth parent provides to the state registrar one (1) item of identification of the birth parent.

(c) Except as provided in subsection (f), a contact preference form submitted by a birth parent to the state registrar does not lapse.

(d) If a birth parent has previously completed and submitted a



contact preference form, the state registrar shall replace the birth parent's previous contact preference form with the birth parent's new contact preference form.

(e) A birth parent may file a completed contact preference form with the state registrar to change the birth parent's indicated preference regarding contact as many times as the birth parent wishes.

(f) A contact preference form is no longer in effect if the birth parent who filed the contact preference form is deceased, unless the contact preference form specifically states that the contact preference form remains in effect after the birth parent's death.

SECTION 19. IC 31-19-25-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4.8. (a) If a birth parent indicates that the birth parent prefers to be contacted through an intermediary as described in section 4.6(a)(1)(B) of this chapter, the state registrar shall:

(1) attempt to make personal contact with the third party designated by the birth parent under section 4.6(a)(2) of this chapter; or

(2) attempt to make personal contact with the birth parent if the birth parent did not designate a third party as the birth parent's intermediary under section 4.6(a)(2) of this chapter.

(b) At the time that the state registrar makes contact with a:

(1) birth parent; or

(2) third party designated by the birth parent;

the state registrar shall request that the birth parent update the birth parent's medical information with the state registrar.

(c) If the birth parent indicates that the birth parent welcomes the state registrar to contact the birth parent for the purpose of updating medical information as provided in section 4.6(a)(1)(D) of this chapter, the state registrar shall attempt to make personal contact with the birth parent to request that the birth parent update the birth parent's medical information.

(d) All communications by the state registrar under this section are confidential.

(e) The state registrar discharging in good faith the responsibilities under this section is immune from all civil and criminal liability that otherwise might result.

SECTION 20. IC 31-19-25-5 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 5. Except as provided under section 4 of this chapter, the state registrar shall mail a notice to a birth parent who submits a



nonrelease form under section 3 of this chapter within ninety (90) days before the birth parent's nonrelease form lapses. The notice:

- (1) shall be mailed to the most recent address of the birth parent that has been supplied to the state registrar; and
- (2) must indicate:
 - (A) the date upon which the form is to lapse; and
 - (B) that the nonrelease form is renewable.

SECTION 21. IC 31-19-25-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. The state registrar shall provide for the storage and indexing of requests and **nonrelease contact preference** forms under this chapter.

SECTION 22. IC 31-19-25-12, AS AMENDED BY P.L.191-2011, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. The state registrar may contact an individual who submits a request form or **nonrelease contact preference** form that is incorrectly or incompletely executed to inform the individual regarding the error in the execution of the form.

SECTION 23. IC 31-19-25-13, AS AMENDED BY P.L.128-2012, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. (a) The following persons may charge a reasonable fee for actual expenses incurred in complying with this chapter:

- (1) A licensed child placing agency.
- (2) The court.
- (3) The department.
- (4) A local office.
- (5) A professional health care provider.
- (6) The state department of health, except as provided in subsection (b).

(b) The state department of health may not charge a fee for filing a **nonrelease contact preference** form under this chapter.

SECTION 24. IC 31-19-25-16, AS ADDED BY P.L.191-2011, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16. If an individual submits a request for the release of identifying information under section 2 of this chapter, the state registrar shall search the death certificates in the state registrar's possession regarding:

- (1) a related adoptee:
 - (A) who has not submitted a consent for the release of information under IC 31-19-21; and
 - (B) whose consent is necessary before identifying information may be released to the individual who has submitted the



request; or

- (2) a birth parent who has filed a written nonrelease form ~~under section 3 of this chapter~~: **(before July 1, 2018) or a contact preference form (after June 30, 2018).**

SECTION 25. IC 31-19-25-17, AS ADDED BY P.L.191-2011, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. (a) If, upon searching the death certificates under section 16 of this chapter, the state registrar finds that an adoptee or a birth parent is deceased, the state registrar shall:

- (1) inform the individual requesting the release of the identifying information under section 2 of this chapter of the death; and
- (2) release the identifying information if additional consent is not required by this chapter.

(b) The state registrar may not release identifying information under subsection (a) concerning:

- (1) a birth parent or adoptee if additional consent is required by this chapter; or
- (2) a birth parent if a ~~nonrelease~~ **contact preference** form submitted by the birth parent **that evidences the birth parent's lack of consent to the release of identifying information** specifically states that the ~~nonrelease contact preference~~ form remains in effect after the birth parent's death.

SECTION 26. IC 31-19-25.5-4 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 4. (a) ~~This section applies to adoptions that are filed before January 1, 1994.~~

(b) Except as provided under subsections (d) and (e), the state registrar shall release the name and address of a pre-adoptive sibling to an adoptee who submits a written request under section 2 of this chapter if the following requirements are satisfied:

- (1) The pre-adoptive sibling of the adoptee has submitted a written request under section 2 of this chapter.
- (2) Each birth parent who is listed on the adoptee's original birth certificate has submitted a written consent for release of identifying information under IC 31-19-21.

(c) Except as provided under subsections (d) and (e), the state registrar shall release the name and address of an adoptee to a pre-adoptive sibling of the adoptee who submits a written request under section 2 of this chapter if the following requirements are satisfied:

- (1) The adoptee has submitted a written request under section 2 of this chapter.
- (2) Each birth parent who is listed on the adoptee's original birth certificate has submitted a written consent for release of



identifying information under IC 31-19-21.

(d) The consent of a birth parent is not required for the release of information under this section if a person who submits a request under section 2 of this chapter provides:

- (1) a death certificate;
- (2) an obituary; or
- (3) any other form of evidence approved by the state department of health;

indicating that a birth parent is deceased to the state registrar for each birth parent who is named on the adoptee's original birth certificate.

(e) The state registrar shall search the death certificates in the state registrar's possession regarding a birth parent if an adoptee and a pre-adoptive sibling of the adoptee have submitted written requests to be in contact. If the state registrar determines that a birth parent is deceased, the consent of the birth parent who is deceased is not required for the release of the information under this section.

(f) If the state registrar is prohibited under this section from releasing the name and address of a pre-adoptive sibling or an adoptee, the state registrar shall provide information on requesting the release of adoption information under IC 31-19-24 to the adoptee or pre-adoptive sibling requesting the release of the information.

SECTION 27. IC 31-19-25.5-5, AS AMENDED BY P.L.6-2012, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) This section applies to adoptions that are filed after December 31, 1993:

(b) (a) Except as provided under subsections (d) and (f); (c) and (e), the state registrar shall release the name and address of a pre-adoptive sibling to an adoptee who submits a written request under section 2 of this chapter if:

- (1) the pre-adoptive sibling of the adoptee has submitted a written request under section 2 of this chapter; and
- (2) a birth parent has not filed a:
 - (A) written nonrelease form (before July 1, 2018); or
 - (B) contact preference form (after June 30, 2018) with the state registrar under IC 31-19-25 that evidences the birth parent's lack of consent to the release of identifying information.

(c) (b) Except as provided under subsections (d) and (f); (c) and (e), the state registrar shall release the name and address of an adoptee to a pre-adoptive sibling of the adoptee who submits a written request under section 2 of this chapter if:

- (1) the adoptee has submitted a written request under section 2 of



this chapter; and

(2) a birth parent has not filed a:

(A) written nonrelease form **(before July 1, 2018); or**

(B) contact preference form (after June 30, 2018) with the state registrar under IC 31-19-25 that evidences the birth parent's lack of consent to the release of identifying information.

~~(d)~~ (c) Except as provided under subsection ~~(g)~~; (f), the state registrar shall release information under this section if:

(1) both the adoptee and pre-adoptive sibling of the adoptee have submitted requests under section 2 of this chapter; and

(2) the adoptee or pre-adoptive sibling who requested information under section 2 of this chapter submits:

(A) a death certificate;

(B) an obituary; or

(C) any other form of evidence approved by the state department of health;

indicating that a birth parent is deceased to the state registrar for each birth parent who is named on the adoptee's original birth certificate.

~~(e)~~ (d) The state registrar shall search the death certificates in the state registrar's possession regarding a birth parent if:

(1) an adoptee and a pre-adoptive sibling of the adoptee have submitted written requests to be in contact; and

(2) a birth parent has filed a ~~nonrelease~~ **contact preference** form under IC 31-19-25 **that evidences the birth parent's lack of consent to the release of identifying information.**

~~(f)~~ (e) Except as provided under subsection ~~(g)~~; (f), if, upon searching the death certificates under subsection ~~(e)~~; (d), the state registrar finds that a birth parent is deceased, the state registrar shall:

(1) inform the adoptee and pre-adoptive sibling of the death; and

(2) release the information if additional consent is not required by this chapter.

~~(g)~~ (f) The state registrar may not release information under this section to an adoptee or pre-adoptive sibling if:

(1) additional consent is required under this chapter; or

(2) a:

(A) nonrelease form **(before July 1, 2018); or**

(B) contact preference form (after June 30, 2018) that evidences the birth parent's lack of consent to the release of identifying information;

submitted by a birth parent specifically states that the nonrelease



form or contact preference form shall remain in effect after the birth parent's death.

~~(h)~~ **(g)** If the state registrar is prohibited from releasing the name and address of the pre-adoptive sibling under this section, the state registrar shall provide information on requesting the release of adoption information under IC 31-19-24 to the adoptee or pre-adoptive sibling.

SECTION 28. IC 34-30-2-133.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 133.7. IC 31-19-25-4.8 (Concerning the state registrar regarding contacting a birth parent or intermediary).**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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